

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RICHARD BELLIS,

Plaintiff,

-V-

NEW YORK CITY DEPARTMENT OF EDUCATION,

Defendant.

21-CV-3282 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On July 23, 2021, Defendant filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.


Accordingly, it is hereby ORDERED that, notwithstanding the briefing schedule adopted on June 16, 2021, ECF No. 14, Plaintiff shall file any amended complaint by **August 13, 2021**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss, any opposition shall be filed within five weeks, and any reply shall be filed within four weeks of any opposition.

If no amended complaint is filed, the existing briefing schedule shall remain in effect, pursuant to which Plaintiff shall file any opposition to the motion to dismiss by August 27, 2021, and Defendant shall file any reply by September 24, 2021. *See* ECF No. 14.

SO ORDERED.

Dated: July 23, 2021  
New York, New York

  
JESSE M. FURMAN  
United States District Judge